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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/303,343	04/30/1999	MOHAMED ANISUR RAHMAN	RAHMAN-6	8223

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EXAMINER

TRAN, PHUC H

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 12/31/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/303,343

Applicant(s)

RAHMAN, MOHAMED ANISUR

Examiner

PHUC H TRAN

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to the applicant's response filed 9/30/2003.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7 and 9-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Nevo (U.S. Patent No. 6320873).

- With respect to claims 1-7 and 9-14, Nevo teaches a method of communicating between a wireless unit and a packet data network (Fig. 1 shows the wireless unite and packet data network), comprising the steps of:

sending a setup packet over a circuit switched link (col. 1, lines 54-55; col. 5, lines 50-54; col. 6, lines 40-42) between the wireless unit and a base station to establish a data session between the wireless unit and the packet data network (Fig. 4 the setup packet as initiated call from MS);

and sending data packets for the data session over a packet switch link between the wireless unit and the packet data network on a wireless resource () that has been temporarily allocated in response to a request for a wireless resource to send data packet for the data session (Fig. 4).

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3. Claims 1-7 and 9-14 are rejected under 35 U.S.C. 102(e) as being anticipated by

Background of the invention.

- With respect to claims 1-7 and 9-14, Background of the invention teaches a method of communicating between a wireless unit and a packet data network (Fig. 1), comprising the steps of:

sending a setup packet over a circuit switched link between the wireless unit and a base station (page 3, lines 25-29) to establish a data session between the wireless unit and the packet data network (page 4, lines 14-16);

and sending data packets for the data session over a packet switch link between the wireless unit and the packet data network on a wireless resource (page 4, lines 14-16) that has been temporarily allocated in response to a request for a wireless resource to send data packet for the data session (page 4, lines 17-23; page 5, lines 3-4).

Response to Arguments

4. Applicant's arguments with respect to claims 1-7, & 9-14 have been considered but are moot in view of the new ground(s) of rejection.

- In responded to Applicant's Argument that "Nevo fails to teach or suggest a method of communication between....as recited in claim 1" (page 2, 3rd paragraph).

Examiner respectfully disagrees. Fig. 4 shows the steps of setup the call and the communication between mobile station and packet network.

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- In responded to Applicant's Argument that "Nevo is not a packet data network" (page 2, 5th paragraph). Examiner respectfully disagrees. In column 1 and 2, Nevo teaches about the GSM and GPRS that MS communicates in packet network.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form PTO-892.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H TRAN whose telephone number is (703) 308-7471. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (703) 308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 872-9314.

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
December 22, 2003

For Seema S. Rao
Jul Dy
FRANK DUONG